UNITED
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International
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Distr.
GENERAL

HRI/CORE/1/Add.36
8 February 1994

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

SAINT VINCENT AND THE GRENADINES

[13 October 1993]

I. LAND AND PEOPLE

1. The main ethnic groups are as follows: Africans (82,075), mixed (17,501), Amerindians (3,347) and East Indians (1,477).

2. The economic indicators are:

Per capita income: EC$ 4,468

Rate of inflation:	1990	1991	1992
	9.2%	2.3%	3.1%

External debt (millions EC$):

Disbursed outstanding debt -	1990	1991	1992
	149.2	171.3	182.4

Gross National Product: 1990
494.5 (million EC$)

(It should be noted that GNP for 1991 and 1992 are not computed as yet.)

Rate of employment - 20%

Literacy rate - Not available.

Religion - See table attached.

Life expectancy: Male - 68 years
Female - 73 years

Infant mortality rate - 19.3 per thousand (1991)

Maternal mortality - Not available

Fertility rate - 3.1

Population: Male - 53,165
Female - 53,334
Total - 106,499

Under 15: Male - 20,061
Female - 19,565
Total - 39,626

Over 65 years:

Male - 2,887
Female - 4,029
Total - 6,916

Urban - Rural not defined in census

Percentage of households headed by women - 39%.

POPULATION BY RELIGION AND SEX

1980 AND 1991

Religion	1980			1991			% Change		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Anglican	20 065	20 617	40 682	15 329	14 196	29 525	-23.6	-31.1	-27.4
Baptist (Spiritual)	2 361	3 453	5 814	4 339	5 925	10 264	83.8	71.6	76.5
Brethren	509	644	1 153	680	792	1 472	33.6	23.0	27.7
Church of God	957	1 192	2 149	1 071	1 363	2 434	11.9	14.3	13.3
Jehovah's Witness	176	210	386	261	335	596	48.3	59.5	54.4
Methodist	10 034	10 370	20 454	8 339	7 866	16 205	-17.3	-24.1	-20.8
Pentecostal	1 767	2 179	3 946	4 975	6 126	11 101	181.6	181.1	181.3
Presbyterian/Congregational	66	41	107	68	52	120	3.0	26.8	12.1
Roman Catholic	5 606	5 723	11 329	5 195	4 878	10 073	-7.3	-14.8	-11.1
Salvation Army	86	87	173	112	129	241	30.2	48.3	39.3
Seventh-Day Adventists	1 934	2 377	4 311	4 063	4 792	8 855	110.1	101.6	105.4
Rastafarian*				746	144	890			
Other	2 197	2 587	4 784	3 808	4 705	8 513	73.3	81.9	77.9
None	1 044	537	1 581	3 335	1 508	4 843	219.4	180.8	206.3
Not stated	557	419	976	844	523	1 367	51.5	24.8	40.1
Total	47 409	50 436	97 845	53 165	53 334	106 499	12.1	5.7	8.8

Note: * Not classified.

Source: 1980 and 1991 Population and Housing Census.

PERCENTAGE DISTRIBUTION OF POPULATION BY RELIGION AND SEX

1980 AND 1991

Religion	1980			1991		
	Male	Female	Total	Male	Female	Total
Anglican	42.3	40.9	41.6	28.8	26.6	27.7
Baptist (Spiritual)	5.0	6.8	5.9	8.2	11.1	9.6
Brethren	1.1	1.3	1.2	1.3	1.5	1.4
Church of God	2.0	2.4	2.2	2.0	2.6	2.3
Jehovah's Witness	0.4	0.4	0.4	0.5	0.6	0.6
Methodist	21.3	20.6	20.9	15.7	14.7	15.2
Pentecostal	3.7	4.3	4.0	9.4	11.5	10.4
Presbyterian/Congregational	0.1	0.1	0.1	0.1	0.1	0.1
Roman Catholic	11.8	11.3	11.6	9.8	9.1	9.5
Salvation Army	0.2	0.2	0.2	0.2	0.2	0.2
Seventh-Day Adventists	4.1	4.7	4.4	7.6	9.0	8.3
Rastafarian*	0.0	0.0	0.0	1.4	0.3	0.8
Other	4.6	5.1	4.9	7.2	8.8	8.0
None	2.2	1.1	1.6	6.3	2.8	4.5
Not stated	1.2	0.8	1.0	1.6	1.0	1.3
Total	100.0	100.0	100.0	100.0	100.0	100.0

Note: * Not classified.

Source: 1980 and 1991 Population and Housing Census.

II. GENERAL POLITICAL STRUCTURE

Brief political history

3. The fact that Saint Vincent and the Grenadines was a colony of Great Britain for more than 200 years played (and is still playing) a significant role in the development of politics and political structures in the country. From 1763 when the islands were finally ceded to Britain to 1979 when the State became independent the pace of political change was tremendously influenced by the mother country.

4. The Government of Saint Vincent originally consisted of a Governor, Council and Assembly. Some of the members of these administrative organs were appointed officials and the others were elected on a property-based franchise system. In 1856 an executive council was created which dealt with the day-to-day administration of the internal affairs of the colony. A few years before in 1838 the slaves were freed, but they took no part in the political process. The year 1867 saw the abolition of the two houses (the Council and Assembly) and their replacement by one legislative assembly which was comprised of appointed, nominated and elected officials. But again the

electorate consisted of only that part of the society which had property and the landless (the vast majority of the population of the colony) had no franchise.

5. In 1877, the local legislature decided that "Crown Colony Government" should be introduced and consequently the legislative council consisted of official and unofficial members nominated and/or appointed by the mother country, but no elected representative. Not until 1925 was there a return to the principle of elected representatives, but then again only the landowning class had the right to vote and the populace remained outside the political process.

6. These different forms of government which existed before the inception of universal adult suffrage in 1951 did not allow for the formation of political parties, but from the beginning of the present century efforts had begun to set up different political mechanisms to give the populace a say in government and to reorganize the political structures of the colony. The first such mechanism was the Saint Vincent Representative Government Association which appeared in 1919 and played its part in the liquidation of Crown Colony Government. This was not a political party in the true sense, but it was a new and very important element in the emerging political structure of the country.

7. In 1935, due mainly to the economic hardships faced by the masses, there were disturbances and rioting. This in part led to the formation of the Saint Vincent Working Men's Association (WMA) which had over 4,000 members within a few months. This was the first mass movement with a political agenda in this State seeking to represent the interests of the poor and powerless. The WMA contested the 1937 elections (by which time Saint Vincent and the Grenadines had five electoral districts and consequently five elected members) against a new party, the Planters and Peasants Association. The WMA won those elections and added a new dimension to politics in the country - a movement which had mass support (if not in the expression of electoral franchise, then in moral support) and got its members elected.

8. In 1940 the WMA, which had evolved into a trade union, launched the Labour Party which won the elections of that year. This signalled the role trade unions were to play in the development of politics in this State. From the 1940s trade unions have become a permanent and vital part of the political system.

9. The year 1951 saw the arrival of universal adult suffrage which meant that the majority of the adult population could now actively take part in the political process. This led to the formation of new political parties. This period also saw the creation of a new trade union, the United Workers and Rate Payers Union. This Union, which had tremendous support from the ordinary masses and was led by people from among their ranks, set up its political party, the Eighth Army of Liberation, which won all eight seats in the elections of that year, and consequently provided an assembly where the elected members were a reflection of the wish of the populace. Apart from the political parties independent candidates started participating in the election and as such started playing their role in the politics of the State.

10. From the 1950s onwards the political system of this State comprised (apart from the nominated, appointed and elected members of the House) two or more political parties, unattached political activists (who ran as independent candidates in the elections) and trade unions directly affiliated to political parties.

11. Today, 14 years after independence, Saint Vincent and the Grenadines has a political structure in which three political parties play the leading role in the political life of the State, the New Democratic Party, the Saint Vincent Labour Party and the Movement for National Unity. It should be mentioned here that only one of these parties (the New Democratic Party) is in Parliament as it won all 15 seats in the last general elections held in May 1989. Apart from these parties there are more than four trade unions, a National Youth Council, a vibrant women's movement, the Saint Vincent and the Grenadines Human Rights Association and a number of other non-governmental organizations which all fit into the political structure of the country and make active contributions to its political life.

Organization of the legislative organ

12. Section 37 of the Saint Vincent Constitution gives Parliament the authority to make laws for the State of Saint Vincent and the Grenadines, thus making it the legislative arm of the State. According to section 23 of the Constitution Parliament comprises Her Majesty (represented by the Governor-General) and the House of Assembly.

13. The Constitution stipulates that the House of Assembly consists of elected representatives of the people and senators appointed by the Governor-General. The House of Assembly has 15 elected representatives (1 from each of the country's 15 constituencies) and 6 senators, 4 appointed on the advice of the Prime Minister and 2 appointed on the advice of the Leader of the Opposition.

14. To be elected to the House of Representatives a person must be a Commonwealth citizen 21 years or older, must have resided in Saint Vincent and the Grenadines for a period of 12 months immediately prior to the date of his nomination for election or be domiciled and resident in Saint Vincent and the Grenadines at that date, and must be able to speak, and unless incapacitated by blindness or other physical cause, read the English language with a degree of proficiency to be able to participate actively in the proceedings of the House.

15. Sittings of the House are presided over by the Speaker of the House who is elected by the House. In his absence this function is carried out by the Deputy Speaker or a member of the House (who is not a member of the Cabinet or a parliamentary secretary) who is elected by the same for this purpose.

16. If the Speaker of the House is not an elected representative or a senator he becomes a member on his election, but does not have an original or casting vote. A member of the House who is elected Speaker has only a casting vote. If the House is voting on a bill to change the Constitution in any way and the Speaker is an elected representative, he has an original or ordinary vote but no casting vote.

17. All members of the House who do not support the Government are considered opposition numbers. The Leader of the Opposition is appointed by the Governor-General. The person appointed to this post is that representative who commands the support of the majority of representatives who do not support the Government.

18. If the seat of an elected member (a representative) becomes vacant before the end of his term otherwise than by the dissolution of Parliament, there must be a by-election to fill the vacancy within 90 days; should the seat of a senator become vacant under the same circumstances an appointment must be made to fill the vacancy within 90 days unless Parliament is dissolved sooner.

19. Proceedings of the House are summoned by the Clerk of the House and records of the proceedings are kept by him. The office of Clerk of the House is a public office. The House regulates its proceedings and made rules for their conduct subject to the provisions of the Constitution.

Type of government and organization of the Executive

20. From the inception of universal adult suffrage in 1951, Saint Vincent and the Grenadines' Executive has comprised members democratically elected by the majority of the people. Today the Government is formed by the political party victorious in general elections which are held every five years. According to section 50.1 of chapter 4 of the Saint Vincent Constitution Order 1979, the executive authority of Saint Vincent may be exercised on behalf of Her Majesty by the Governor-General. Section 19 of this Constitution states that the Governor-General shall be Her Majesty's representative in Saint Vincent. This in fact makes the Governor-General the de jure head of State in Saint Vincent and the Grenadines.

21. The day-to-day affairs of the State are administered by the Cabinet of Ministers which consists of the Prime Minister and other ministers, and is headed by the former. This Cabinet is collectively responsible to Parliament for the management of the affairs of the State.

22. Ministers are usually elected representatives of the people although two can be appointed from among the senators of the House. The Prime Minister is appointed by the Governor-General. This appointment is made on the basis that the person being appointed commands the support of the majority of the elected representatives. All ministers are appointed by the Governor-General acting on the advice of the Prime Minister. These ministers usually head different ministries (except in the case of junior minister). Up to August of 1993 there were nine different ministries in Saint Vincent and the Grenadines.

23. The Saint Vincent and the Grenadines Constitution makes provisions for the removal from office of the Prime Minister and other ministers should circumstances determine that they be removed before their term in office expires.

24. The Governor-General can on the advice of the Prime Minister appoint parliamentary secretaries from among the members of Parliament. The task of these secretaries is to assist the ministers in their work.

Organization of the Judiciary: Magistrate's Court

25. The Magistrate's Court is the first rung in the ladder of judicial organs in Saint Vincent and the Grenadines. The country is divided into three magisterial districts, and therefore has a Magistrate's Court in each district. This court has a single presiding officer, a magistrate who is appointed by the Governor-General acting with the advice of the Judicial and Legal Services Commission.

26. A magistrate of this court has full jurisdiction and power, within and outside his district, to receive and inquire into all charges on indictable offences whether they have been committed within or outside his district. In his district a magistrate has full jurisdiction and power to hear and determine all complaints or information for summary conviction offences and to hear and determine all civil claims and demands not exceeding $6,000 if the defendant resides in the district, when the cause of that case has arisen within the district or when the issue which is the subject-matter of the dispute is in the district. This court has no jurisdiction to try an offence punishable with death which is not punishable with imprisonment.

27. There is a clerk of the court whose functions include the making of copies of the proceedings and the recording of judgements, convictions and orders of the court.

28. The Laws of Saint Vincent and the Grenadines stipulate that parties to a case in the Magistrate's Court have the right to legal representation and the right to appeal.

29. Hearings in the Magistrate's Court are usually held in open courtroom to which the general public has access unless the magistrate sees fit to order otherwise.

Eastern Caribbean Supreme Court

30. The next rung in the ladder of judicial organs in Saint Vincent and the Grenadines is the Eastern Caribbean Supreme Court. As the name suggests, this court has jurisdiction not only in Saint Vincent and the Grenadines, but in the other eastern Caribbean States. This court actually comprises two courts: the High Court of Justice and the Court of Appeal.

31. The Eastern Caribbean Supreme Court is headed by the Chief Justice who is appointed by the Heads of Government Conference of the Eastern Caribbean States; he in turn appoints all the other judges of the Supreme Court, i.e. the puisne judges of the High Court and the judges of the Court of Appeal.

High Court

32. The High Court has jurisdiction in all civil and criminal cases which do not fall under the jurisdiction of the Magistrate's Court. Apart from the puisne judge who is the presiding officer of the court, there are a number of other officers of this court, including the registrar, who is appointed by the Governor-General on advice of the Judicial and Legal Service Commission.

33. The functions of the registrar of the High Court include such duties as are necessary for the proper conduct and discharge of the business of the same and to assist the chief registrar of the Eastern Caribbean Supreme Court in the performance of his/her duties. The bailiff of the High Court, in addition to his duties as bailiff, must also perform if required the duties of crier of the High Court.

34. In civil proceedings it is within the jurisdiction of the judge of the High Court to order trial with or without a jury unless upon the application of any party of the proceeding a trial with jury is ordered. A party may apply for trial with jury in the High Court if the judge is satisfied that there is a charge of libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage.

35. In criminal proceedings being heard before the High Court a panel of jurors is essential. These jurors are drawn from a jurors list prepared by the magistrate of each district and revised and put into the juror's book by the registrar of the High Court. The jury in a criminal trial other than for a capital offence consists of nine jurors who are selected by ballot. Their decision must be unanimous if reached within two hours of deliberations, but if reached after more than two hours there must be a verdict of seven jurors. The jury in a trial for a capital offence consists of 12 persons.

36. The parties in such proceedings have the right to challenge peremptorily three jurors. Later challenges shall be considered by the court if good reasons can be given.

37. All hearings in the High Court are open to the general public except in cases where the judge in his absolute discretion exercises either on his own motion or on application by any party to the proceedings his authority in deciding whether the public generally or part thereof shall not have access to the courtroom.

Court of Appeal

38. The Court of Appeal comprises four judges one of whom is the chief justice of the Eastern Caribbean Supreme Court, but at hearings of the Court of Appeal only three judges are required to sit. Other officers of the Court of Appeal include the chief registrar who must take all necessary steps for obtaining a hearing of any appeals or applications in the Court of Appeal. There is also a registrar who must perform such duties as are necessary for the due conduct and discharge of the business of the Court of Appeal and who assist the chief registrar in the performance of his/her duties.

39. Subject to conditions stipulated in the laws of Saint Vincent and the Grenadines the Court of Appeal has jurisdiction to hear and determine appeals from the Magistrate's as well as the High Court, whether they may be on matters of a civil or criminal nature.

40. In criminal cases a person convicted on indictment may appeal to the Court of Appeal against his conviction on any ground of appeal which involves a question of law, fact or any other ground which appears to the court

sufficient to justify an appeal. A person may also with the agreement of the Court of Appeal appeal against his sentence once that sentence is not fixed by law.

41. Except in cases where the appeal is on some ground of law alone, the appellant has a right to be present if he so desires; he however could be allowed to attend proceedings dealing with an appeal on question of law alone should the court so decide.

Her Majesty in Council

42. The final rung in this ladder of judicial organs with jurisdiction to determine cases originating in Saint Vincent and the Grenadines is Her Majesty in Council or sometimes called the Privy Council. This council, located in England, serves as a final Court of Appeal for Saint Vincent and the Grenadines.

43. An appeal can be made to this council after the case has been heard and determined by the Court of Appeal. These appeals are allowed only with leave of the Court of Appeal or with leave of the council itself, and concern questions of law only.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

44. The Judiciary, right up to the Privy Council, is, by section 16 of the Constitution, directly given jurisdiction affecting fundamental rights and freedoms. Administrative and competent authorities are in consequence bound to observe and give full effect to those rights because the conduct of such bodies in relation to those rights is subject to judicial review under section 16.

45. Section 16 gives a person the right to apply to the High Court as a court of first instance to hear and determine any allegation made by him that any of his fundamental rights and freedoms has been, is being or is likely to be contravened. Any person has a right of access to the courts where such a contravention is alleged, even in relation to another person who is detained. In the exercise of the judicial power under section 16 the courts make declarations of violation of rights and award damages in respect thereof. The courts also have express power to make such orders and issue such directions as they consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of the fundamental rights sections.

46. All the civil and political rights referred to in the international Covenant are substantially protected by the Saint Vincent Constitution Order 1979. Other protective legislative measures in force are cited in the annex to this report. Saint Vincent and the Grenadines has no separate Bill of Rights. Particular reference is made to sections 1-17 (inclusive) of the Constitution, a copy of which is also to be found in the annex*. Except to the extent that any derogation appears in any of the aforesaid sections, the

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* Available for consultation with the Secretariat.

fundamental rights and freedoms referred to are of full force and effect. Section 101 of the Constitution provides that the Constitution is the supreme law of Saint Vincent and the Grenadines and if any other law is inconsistent with it the Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.

47. The provisions of the Covenant may not be invoked before or directly enforced by the courts, other tribunals or administrative authorities but they can indirectly be enforced by the courts to the extent that they are subsumed in comparable provisions of the Constitution and the ordinary statute law of Saint Vincent and the Grenadines.

48. The following table indicates the sections of the Constitution or other Statute laws of Saint Vincent which deal with the corresponding articles of the Covenant:

The Covenant	Section of the Constitution and/or other statute law
Article 1	Section 1
Article 2	Sections 1, 13 and 16
Article 3	Section 13 Women in Saint Vincent and the Grenadines hold office as permanent secretaries of ministries and other senior positions in the civil service; they are also at liberty to become practitioners of all professions and trades, which they are increasingly doing.
Article 4	Sections 14, 15 and 16
Article 5	In so far as fundamental human rights are required to be preserved by article 5 of the Covenant, those rights which are enshrined in the Constitution may be altered only by the special procedure provided for so doing by section 38 of the Constitution, which requires that "(a) There has been an interval of not less than 90 days between the introduction of the bill in the House and the beginning of the proceedings in the House on the second reading of the bill; and (b) after it has been passed by the House the bill has been approved on a referendum by not less than 2/3 of all the votes validly cast at the referendum".
Article 6	Sections 2, 65 and 66
Article 7	Section 5
Article 8	Section 8

Article 9	Section 3
Article 10	Sections 33, 34, 38, 42, 43, 44, 45, 46, 50 and 53 of the Prisons Act, Chapter 281 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines. Juveniles Act, Chapter 168 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines covers the areas mentioned in Article 10 of the Convention.
Article 11	Section 3 Debtors, Chapter 86 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines.
Article 12	Section 4 Section 12
Article 13	Undesirable Persons Expulsion, Chapter 77 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines, Section 2 (1) and (2) and Sections 8-12
Article 14	Section 8
Article 15	Section 8
Article 16	Section 8
Article 17	Sections 6 and 7 Libel and Slander Act Chapter 89 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines.
Article 18	Section 9
Article 19	Section 10
Article 20	Section 2 (1) (a)
Article 21	Section 11
Article 22	Section 11
Article 23	The rights protected by article 23 of the Covenant are fully recognized in the Marriage Act, Chapter 173 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines and its amendments (in particular Act No. 31 of 1984 and 13 of 1987). The Divorce and Matrimonial Proceedings (Declaration of Date) Act, Chapter 18 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines which makes provision for Saint Vincent and the Grenadines to exercise the law and practice administered on 1 June 1984 in the

	High Court of Justice in England in Divorce and Matrimonial Proceedings.
	Registration of Births and Deaths Act, Chapter 179 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines. Section 16
	Saint Vincent and the Grenadines Citizenship Act No. 12 of 1984, Chapter 80 of the Revised Edition of the Laws of Saint Vincent and the Grenadines, Sections 4, 5 and 8 Sections 90, 91, 92, 93 and 94
Article 25	Section 27 Representation of the People Act, Chapter 6 of the 1990 Revised Edition of the Laws of Saint Vincent and the Grenadines.
Article 26	Sections 8 and 16
Article 27	Sections 9, 13 and 16

49. The Constitution of Saint Vincent and the Grenadines deals with fundamental rights and freedoms. Every person in Saint Vincent and the Grenadines is entitled to the fundamental rights and freedoms, for instance, life, liberty, security of the person and the protection of the law; freedom of conscience, of expression and of assembly and association and protection for the privacy of his home and other property and from deprivation of property without compensation. Sections 23 to 36 deal with the composition of Parliament. Sections 65 to 66 refer to the prerogative of mercy and the Advisory Committee on same.

INFORMATION AND PUBLICITY

Language

50. English is the official and national language of Saint Vincent and the Grenadines and as such all United Nations documents are always in English. As this is one of the official languages of the Organization, there is no use for translation as English is the only language spoken by Vincentians.

The role of non-governmental organizations

51. There are many non-governmental organizations in Saint Vincent and the Grenadines involved in the promotion of human rights and the improvement of people's knowledge about the contents of the various international instruments designed to protect and upgrade these rights. These include the Saint Vincent and the Grenadines Human Rights Association (SVG-HRA), the different trade unions, the Women's Movement, the Committee against Violence and the National Youth Council.

52. The Saint Vincent and the Grenadines Human Rights Asscciation was set up in 1986. This organization is the most comprehensive of all non-governmental organizations in its approach to human rights and to informing the Vincentian public about the nature, contents and importance of the different international instruments which deal with the question of human rights. The activities of this Association vary and seek to involve the public at large. The SVG-HRA has held seminars, workshops and symposia at which the contents and importance of international instruments on human rights have been discussed and to which the public in general was invited. The Association holds discussions on radio and television programmes in which the contents of these documents are explained and expressed in such language that the essence of these documents are clear to the populace. The contents of such documents as the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child have all been discussed. The SVG-HRA also visits secondary schools in the State and holds discussion with the students on different questions of human rights so as to enlighten them on these matters.

53. There are several vibrant and active trade unions in Saint Vincent and the Grenadines which represent the interests of a wide cross-section of the workers. These include the National Workers Movement, the Commercial Technical and Allied Workers Union, the Saint Vincent Union of Teachers, the Public Service Union and the National Farmers Unions. These unions hold seminars and other activities where their members and other interested persons are informed of the different international instruments adopted by the ILO for the protection and improvement of workers' rights. The activities of the trade unions in the field of human rights are not as wide-ranging as those of the SVG-HRA as the former are concerned mainly with workers' rights; they therefore pay more attention to those instruments adopted by the ILO.

54. The different women's organizations in Saint Vincent and the Grenadines have as their main objective the improvement of the status of women in this State. They have encouraged respect and improvement of women's rights by conducting seminars and hosting various activities. They have through different publications and programmes tried to highlight the rights of women as stipulated in the different international instruments which deal specifically with these rights. These organizations play a vital role in the education of women about their rights.

55. The National Youth Council (N.Y.C.) is an umbrella body to which all the youth organizations in the State are affiliated. It is concerned mainly with the improvement of the youth of the country and consequently tries to improve their knowledge about their rights. The N.Y.C., through its radio programmes, publications, workshops and seminars, has been informing youths and the general public on the contents of such international agreements on human rights as the Convention on the Rights of the Child.

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Distr.
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HRI/CORE/1/Add.37
2 February 1994

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

PHILIPPINES

[21 September 1993]

I. LAND AND PEOPLE

1. The Philippines is an archipelago of over 7,100 islands and islets lying 966 kilometres off the southern coast of mainland Asia. It is situated near the equator. To its west and north is the South China Sea; to the east, the Pacific Ocean; and to the south, the coastal waters of Borneo. Its total land area is about 300,000 square kilometres, extending 17,460 kilometres from north to south. Territorial waters measure 2.2 million square kilometres. Its total coastline, the longest in the world, spans 34,600 kilometres.

2. The country has three major island groups: Luzon, Visayas, and Mindanao. It is divided into 15 administrative regions with 76 provinces, 61 cities, 1,543 municipalities and 41,876 barangays (villages).

3. The country is vulnerable to natural calamities. It lies within the Pacific seismic belt. It has 21 active volcanoes. It is visited by an average of 19 typhoons a year.

4. The Filipino is of Malay racial stock. The indigenous culture is a mixture of Malay, Chinese, Japanese, Arabic, Spanish and American influences.

5. There are 110 ethno-linguistic groups in the country which speak at least 70 recorded languages. There are eight major languages, with Filipino, the national language, and English as official working languages.

6. Eighty-five per cent of Filipinos are Christians, the large majority of whom are Roman Catholics. A little over 10 per cent of the population practise Islam and the rest belong to other denominations or sects.

7. The Philippines has the fourteenth largest population in the world. There were 60.68 million Filipinos as of the 1990 Census of Population. The population has grown over the past 10 years at an annual average rate of about 2.3 per cent. In 1990 approximately 47.2 per cent of the population (28.9 million) were children under the age of 18.

8. Population density is 202 persons per square kilometre. About half of the population is concentrated in urban centres. Pockets of poverty exist in major cities. The urban slum and squatter population make up about 17 per cent of the total population and 40 per cent of the urban population.

9. The country's economy is based on agriculture and light industry. Rice, corn, coconut, pineapple and sugar are its major agricultural products. Its rich mineral resources, which include copper, cobalt, nickel, silver, iron and gold, are major sources of foreign exchange. Its major industrial products include processed food, textiles, clothing, forest products and home appliances. Aquaculture, garments, microcircuits and semiconductors, furniture made from rattan and other indigenous materials are major sources of export revenues.

10. The decade of the 1980s saw the Philippine economy undergoing several shocks and adjustments. At the time that the Medium-Term Philippine Development Plan, 1987-1992, was formulated, the country was suffering from the worst balance-of-payments crisis it had experienced in post-war history. A major concern of the Plan, therefore, was to put the economy back on its feet. Economic recovery was the immediate focus, while sustainable development was the main objective in the medium term. A demand-led employment-oriented and rural-based strategy was envisioned as the foundation for sustained growth.

11. With the Plan, the annual rate of growth of the Gross National Product reached 7.2 per cent in 1988. Growth decelerated in succeeding years of the Plan, however, dropping to 0.6 per cent in 1992. Unexpected external factors and weaknesses in the economy prevented economic growth from being sustained at a high level. These included the slow growth in industrial countries, the Gulf war and internal structural bottlenecks. The occurrence of major natural calamities aggravated the situation.

12. The experience of the past six years has highlighted the need to strengthen the economy's ability to withstand both external and internal shocks and uncertainties.

13. Despite the problems encountered on the economic front, the Government sought to pursue its social development efforts. The proportion of the national budget allocated to social services increased from 17.7 per cent in 1987 to 21.8 per cent in 1991. Education was given the highest priority with 13.0 per cent of the national budget allocated to the sector in 1991.

14. The Government provides social services in the areas of health, nutrition, education, housing, safe water supply and sanitation. Basic services for children are a special concern. The Government is taking definitive steps to address human development concerns in an integrated

manner, through the formulation of a social development framework which will guide the planning and programming of human development-related activities from 1993-1998. The framework takes into account demographic, economic, social and cultural factors which influence the attainment of total human development in the Philippines.

15. Starting in 1986, the Government has more explicitly focused on poverty alleviation as a goal of national development efforts. In 1988, poverty incidence among Filipino families was 55.2 per cent, three percentage points lower than it was in 1985.

16. A Commission to Fight Poverty has been established by the Government as one of the approaches towards poverty alleviation and people empowerment. A targeted reduction of poverty incidence down to 30 per cent by 1998 has been set.

II. GENERAL POLITICAL STRUCTURE

17. The Philippines is a democratic and republican State. Sovereignty resides in the people and all authority emanates from them. A new Constitution was ratified by the people in 1987.

18. The Philippines has a presidential form of government. Executive power is vested in the President who is also head of State. The Executive Branch includes 21 Executive Departments.

19. Legislative power is vested in the Congress of the Philippines which consists of a Senate and a House of Representatives. The former is made up of 24 Senators, the latter is made of not more than 200 members elected from legislative districts apportioned among the provinces, cities and the Metro Manila area in accordance with the number of their respective population. The Constitution provides for the appointment to the House of Representatives, by the President of the Philippines, of sectoral representatives from the labour, peasant, urban poor and indigenous cultural communities, women and youth sectors, and such other sectors as may be provided by law, except the religious sectors.

20. Judicial power is vested in the Supreme Court and other courts as may be established by law. The Philippine judicial system includes a Court of Appeals, regional trial courts, municipal trial courts and municipal circuit trial courts.

21. At subnational level, governance is assumed by the respective local government units in each administrative area, i.e. province, city, municipal and barangay (village). Each local government office is composed of both elective and appointive officials.

22. The democratic structure and process have been enhanced by the constitutional provision that the State shall ensure the autonomy of local governments. A new Local Government Code was enacted in 1991 in fulfilment of the constitutional provision that Congress shall enact a local government code which shall provide for a more responsive and accountable local government

structure. Under this Code, responsibility for the delivery of basic services in agriculture, health, social welfare and development, public works, environment and natural resources has been devolved to local government units.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

23. The State values the dignity of every human being and guarantees full respect for human rights. This is one of the State policies embodied in the Constitution. The Bill of Rights specifically prohibits the use of torture, force, threat or intimidation or any other means which vitiates the free will of a person under investigation for the commission of an offence.

24. One of the key differences between the 1973 Constitution and the 1987 Constitution is the inclusion in the latter of an Article on Social Justice and Human Rights. Under this provision, Congress is to give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

25. Prior to the 1987 Constitution, a number of laws had been enacted protecting human rights. Foremost of these were the Civil Code of the Philippines, the Revised Penal Code of the Philippines, the Labor Code of the Philippines, and the Child and Youth Welfare Code.

26. The Civil Code regulates the private relations of the members of civil society and defines their respective rights and obligations with reference to persons, things and civil acts. Under its provisions, every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith. It also imposes liability for damages on any public officer or employee or any private individual who directly or indirectly obstructs, defeats or violates or in any manner impedes or impairs any of the rights or liberties of another person as enumerated therein.

27. The Revised Penal Code penalizes violations of human rights, such as: arbitrary detention, delay in release and in the delivery of detained persons to the proper judicial authorities, expulsion, interruption and dissolution of peaceful meetings, maltreatment of prisoners, kidnapping and serious illegal detention, slight illegal detention and unlawful arrest, among others.

28. The Child and Youth Welfare Code, known as the Magna Carta for Children's Rights, defines the rights and responsibilities of children, their parents, the family as a whole, the community, association, school, the Church and the State in ensuring proper development. It outlines administrative measures and programmes for the care and treatment of special children such as dependent, abandoned, neglected and working children, mentally retarded, physically handicapped, emotionally disturbed and mentally ill children and youth offenders.

29. The Labor Code supplements constitutional provisions on the promotion of industrial peace, social justice and protection of workers.

30. The Philippines is a party to major international human rights instruments which guarantee basic fundamental rights for all peoples, regardless of race, colour, religion, nationality or social origins. It adopts the generally accepted principles of international law as part of the law of the land. These instruments can be invoked before, and be directly enforced by, Philippine courts, other tribunals and administrative authorities.

31. All agencies of the Philippine Government, in one way or another, are responsible for the promotion and protection of human rights. The government offices which have direct jurisdiction over human rights issues are the Commission on Human Rights, the Department of Justice and the Tanodbayan (Ombudsman). The Constitution created the Commission on Human Rights as an independent office with the following powers and functions: investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights; adopt its operational guidelines and rules of procedure and cite for contempt for violations thereof in accordance with the Rules of Court; provide appropriate legal measures for the protection of the human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection; exercise visitatorial powers over jails, prisons or detention facilities; establish a continuing programme of research, education and information to enhance respect for the primacy of human rights; recommend to the Congress effective measures to promote human rights; monitor the Philippine Government's compliance with international treaty obligations on human rights; and grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority.

32. The Commission on Human Rights has established protective legal measures to safeguard the rights of Filipinos according to the principles embodied in the Constitution and international treaties in force in the Philippines. Specifically, the Commission handles complaints of execution, disappearances, illegal arrest and detention, and torture, among others.

33. The Department of Justice performs a vital role in the enforcement and promotion of human rights functioning through its bureaux, offices and committees. These include the Presidential Human Rights Committee, the National Prosecution Service, the National Bureau of Investigation, the Bureau of Immigration, the Public Attorney's Office and the Office of the Solicitor-General.

34. Also involved in the enforcement of human rights is the Tanodbayan (Ombudsman) whose main function is to prevent abuse of power by government officials and employees.

35. A number of other administrative agencies facilitate the implementation and enforcement of human rights, such as the Department of Labor and Employment which sees to it that the rights of workers are protected and their

welfare promoted. The Council for the Welfare of Children coordinates the implementation and enforcement by the Executive Department of all laws related to the promotion of child and youth welfare.

36. There are also non-governmental organizations working in the field of human rights. These include Task Force Detainees, Philippine Association of Human Rights Advocates and Amnesty International - Philippine Section. Major advocates for children's rights are Defence for Children International - Philippine Section, Gabriela's Commission on Family and Children, and Salinlahi.

IV. INFORMATION AND PUBLICITY

37. Specific activities have been undertaken to promote awareness among relevant authorities and the public on the rights of the individual as contained in various human rights instruments. Public information campaigns, training programmes and seminars have been held.

38. In cooperation with the Department of Education, Culture and Sports, the Commission on Human Rights has developed educational materials on human rights for inclusion in the elementary and secondary curricula.

39. The Commission has produced a number of publications including a primer on human rights in Filipino and English. Other printed materials such as posters and brochures are also being developed and disseminated all over the country. It has also conducted a series of consultations and dialogues with government agencies, as well as non-governmental organizations to help promote the concept of human rights.

40. Human rights subjects have been integrated into the regular in-service training of the Armed Forces of the Philippines and the Philippine National Police.

41. Informational and educational materials on human rights, such as primers, posters, brochures, news-letters and other publications, have also been developed by the non-governmental organizations.

UNITED
NATIONS

HRI

International Human Rights Instruments

Distr.
GENERAL

HRI/CORE/1/Add.38
15 February 1994

ENGLISH
Original: FRENCH

CORE DOCUMENT FORMING THE INITIAL PART OF STATE PARTY REPORTS

TOGO

[29 December 1993]

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I. LAND AND PEOPLE

Geographical situation of Togo

1. Togo is a State situated in west Africa to the south of the Sahara. It is bounded to the north by the Republic of Burkina Faso, to the south by the Atlantic Ocean (Gulf of Guinea), to the east by the Republic of Benin and to the west by the Republic of Ghana. It has a surface area of 56,000 km^2 and an estimated population of 3.5 million, with an average density of 48 inhabitants per km^2. This population has diverse characteristics from the ethnic, religious and cultural standpoints.

The ethnic groups

2. The Togolese population is composed of a great number of ethnic groups. There are over 36, which are generally divided into six major categories:

(a) The Adja-Ewé, whose most important subgroups are the Ewé, the Ouatchi and the Guins;

(b) The Akposso-Akébou, who are mainly made up of the Akposso and the Akébou;

(c) The Ana-Ifê, who comprise the Ana and the Ifê;

(d) The Tem-Kabyè, who are dominated numerically by the Kabyè, Kotokoli, Losso and Lamba ethnic groups;

(e) The Para-N'gourma, who are made up of several ethnic groups, the largest of which are the Moba and the Gourma.

3. Other groups include the Haoussa, the Peulhs and many others whose affinities do not permit them to be classified within the above-mentioned groups (source: a study undertaken by researchers from the demographic research unit in August 1989). These various ethnic groups have the language or dialect of the peoples concerned.

Religions

4. In Togo, several religions are practised, the most important being: animism, Christianity and Islam (source: 1989 study on the Togolese population carried out under the auspices of the United Nations Population Fund (UNFPA). In recent years, there has been a proliferation of sects, which are not always easy to classify in a particular group. Among all these other religions mention may be made of the Jehovah's Witnesses, the Aladura, the Celestial Christianists, the Cherubim and Seraphim, the Brotherhoods, the Eternal is my Shepherd, the Apostolic Faith and the Holy Order of Deliverance.

Distribution of the population

5. Togo has a very young population. Children under the age of 15 account for 49.8 per cent of the total population, persons over the age of 15 making up 50.2 per cent, while persons over the age of 65 account for 3.9 per cent (source: Statistical elements of the 1981 census, p. 18).

6. The male population represents 49 per cent of the total population while the female population accounts for 51 per cent.

7. The rural population accounts for 75 per cent of the total population, the urban population being only 25 per cent. This inequality in distribution is explained by the fact that Togo is an essentially agricultural country (source: Statistical elements of the 1981 census).

8. Distribution by regions is as follows:

Coastal region	39.5 per cent
Plateaux region	23.7 per cent
Central region	10.8 per cent
Kara region	14.0 per cent
Savanna region	12.0 per cent

(source: Statistical estimates for 1988 cited in a survey conducted by UNFPA).

Population growth

9. The Togolese population is growing at a considerable rate. The growth rate during the period 1970-1981 was 2.9 per cent. In 1961 it was 2.6 per cent, in 1971 it remained the same and in 1981 it rose to 2.9 per cent. The estimated growth rate for the year 2000 is 3 per cent (source: Statistical elements of the 1981 census).

10. The birth rate is 45 per thousand as opposed to a mortality rate of 16 per thousand. The infant mortality rate is 81 per thousand. Life expectancy is 51 for women and 49 for men.

11. These data reveal a disparity between the mortality rate and the birth rate. This is the result of the progress achieved in the area of health care, drinking water and the practice of hygiene. These efforts, laudable though they are, do not mean that in fact, numbers of health personnel are adequate. In fact, only 61 per cent of the population have access to health services and 71 per cent to drinking water.

12. This shortage of health personnel is reflected in the low number of doctors per inhabitant. Statistics from the Directorate-General for Public Health for 1989 show one doctor for every 12,423 inhabitants, while the fertility rate is 194 per thousand.

School enrolment

13. Considerable efforts are being made to promote school enrolment. The slogan "Schooling for all" is often used to reflect the policy of mass training. Despite these efforts only 61 per cent of children between the ages of 6 and 11 were enrolled in 1988, although this rate is very encouraging by comparison with the enrolment situation in other sub-Saharan States.

Proportion of women heads of families

14. The proportion of women heads of families is estimated at 20.5 per cent. This rate varies according to region: it is 26.3 per cent in the towns and 18.1 per cent in rural areas.

Socio-economic indicators

15. Data derived from the publications of the Directorate for Economic Affairs give the following socio-economic indicators:

16. In 1990, the Gross National Product (GNP) was CFAF 435 billion. It rose to CFAF 446 billion in 1991 and CFAF 459 billion in 1992.

17. The Gross Domestic Product (GDP) in current prices has varied significantly over the past three years. It was CFAF 445,826 billion in 1990, CFAF 457,613 billion in 1991 and CFAF 488,330 billion in 1992.

18. On the basis of the above data, the following estimates may be made:

(a) In 1981, per capita GNP was CFAF 90,000. On the basis of a population of approximately 3.5 million in 1992, per capita GNP was estimated at CFAF 131,142;

(b) Per capita GDP, which was CFAF 95,900 in 1981, had risen to CFAF 127,378 by 1990.

19. Over the period 1990-1992, inflation rates were as follows:

2.9 per cent in 1990;

3.0 per cent in 1991;

2.8 per cent in 1992.

Amount of the external debt

20. Togo's outstanding external debt was estimated at CFAF 357 billion on 31 December 1992.

Rate of unemployment

21. Togo, like other countries, is confronted with the problem of unemployment. States are encountering numerous difficulties in ensuring employment for all their citizens. Employment statistics are insufficient to give a precise indication of the unemployment rate. Figures are often given for the number of unemployed, but they do not reflect reality.

22. A survey is being conducted by the National Employment Agency to determine the number of unemployed precisely. The recent establishment of this Agency is encouraging. It is currently executing the employment-training programme initiated by the Government. Several young unemployed persons have found jobs thanks to this programme.

II. POLITICAL HISTORY

From independence to the Sovereign National Conference

23. Between the time of Togo's accession to international sovereignty and 1991, it had four constitutions, each with its own characteristics.

24. The first Constitution, which terminated the multi-party system, allowed little scope for freedoms and led to a police regime. After the dissolution of the National Assembly on 1 March 1961, new legislative elections and a constitutional referendum were held on 9 April 1961. The new Constitution adopted provided for a presidential-type regime with the office of President of the Republic.

25. Although the Second Republic adopted a Constitution on 5 May 1963, the structural weaknesses of the authorities prevented the Togolese people from enjoying any of the freedoms it formally guaranteed. The political crisis deriving from the internal struggles between the political parties, disorder and genuine threats to the country's unity and independence led to the interruption of the constitutional regime. As a result, the political parties were dissolved in 1967. As from 1969, the Head of State proposed that the country should revert to normal constitutional activity based on two political parties. Since this proposal did not receive popular support, the President of the Republic had to resolve to continue the construction of national unity in the context of a "national melting-pot" known as the Rassemblement du Peuple Togolais (RPT), which had the distinctive feature of bringing the Togolese people together regardless of their subsequent political sensitivities. Togo thus experienced a constitutional vacuum from 1967 to 1979.

26. The Constitution adopted on 30 December 1979 and promulgated on 9 January 1980 filled this constitutional vacuum. It set up the Legislature and the Judiciary, and put the RPT at the centre of political activity. It provided for the election of the Head of State by direct universal suffrage for a term of seven years (1980 Constitution, art. 12). The President of the Republic appointed and dismissed ministers (art. 17); the Executive did not comprise the office of Prime Minister.

27. The 1980 Constitution provided for the election of deputies by direct suffrage for a five-year term on the nomination of the RPT. But after the first Legislature, from 1980 to 1985, candidates in the legislative elections could stand freely, without the backing of the party.

28. Title IX of the Constitution was devoted to the Judiciary. Decree No. 78-35 of 7 September 1978 organized the Judicial system in Togo. It provided for:

(a) The courts of first instance;

(b) The Court of Appeal; and

(c) The Supreme Court.

29. For two decades, Togo, like many other African States, has had a system which has evolved very rapidly with the establishment, for example, of the freedom of candidates to stand in the legislative elections.

30. From 1987, the Head of State took the initiative of establishing the National Human Rights Commission (CNDH), an institution that was unique in Africa at that time. The CNDH has received the unfailing support of the Government and has undoubtedly contributed to the acceleration of human rights policy in our country.

31. By Act No. 25-90 of 30 November 1990 establishing the Press Code, President Eyadéma liberalized the press. At present 60 newspapers or periodicals are published in Togo.

32. Shortly afterwards, Act No. 91-4 of 12 April 1991 established the political parties' charter and introduced the multi-party system. This Act has permanently opened up Togolese politics.

33. The Head of State, wishing to eliminate all tension from Togolese political activity, promulgated Act No. 91-2 of 12 April 1991 establishing a general amnesty. Under this Act, all persons who had participated in plots against Togo were allowed to return to the country. On 8 July 1991 the Sovereign National Conference (CNS) opened and, contrary to its proclaimed objectives, became a veritable people's tribunal directed against the leading figures of the existing regime.

The democratic transition

34. The CNS adopted a fundamental instrument setting out the powers of the various organs during the period of transition. This instrument was Act. No. 7 of the CNS of 23 August 1991. The organs in question were required in principle to maintain relations of consultation aimed at the success of the various responsibilities assigned to them. Very soon, however, their relations became strained and conflicts broke out, with repercussions on the smooth conduct of the transition. In fact, all the powers of the State were vested in the designated, non-elected organs, such as the High Council of the Republic (HCR) and the "Primature". The powers of the State were: (a) the HCR; (b) the Executive; and (c) the Judiciary.

35. The transitional legislative authority, the HCR, was the subject of title III of the Constitutional Act. It was made up of 79 members elected by the Sovereign National Conference. Members were drawn from the political parties, associations, socio-professional circles, etc. (Constitutional Act, art. 17, of 23 August 1991). Among other powers, it exercised the legislative function, supervised the execution of the decisions of the Sovereign National Conference, and monitored the defence and promotion of human rights.

36. The Executive was the subject of titles IV and V of the transitional Constitutional Act and was represented by the President of the Republic and the Prime Minister, the latter being designated by the CNS. The President of the Republic ensured the continuity of the State, was the guarantor of national unity and independence and Supreme Chief of the armed services, represented the State abroad, submitted the draft constitution to a referendum and was kept informed of the activities of the Government. The Prime Minister presided over the Council of Ministers, made appointments to civil and military posts, and led the Government in conducting national policy and making preparations for the constitutional referendum and elections.

37. The Judiciary was the subject of title VII of Act No. 7. These provisions proclaimed the independence of the magistrature and the separation of the Judiciary from the other powers. It was the guardian of the fundamental rights and freedoms of citizens.

The Constitution of the Fourth Republic

38. The Constitution of the Fourth Republic was adopted by referendum on 27 September 1992 and promulgated on 14 October 1992. It provides for an Executive headed by a President of the Republic and a Prime Minister.

39. The President of the Republic, as Head of State, is the guarantor of territorial integrity, national unity, and observance of the Constitution and international treaties and agreements (Constitution, art. 58). He is elected by direct universal suffrage for a five-year term renewable only once (Constitution, art. 59).

40. The Prime Minister is the Head of Government. In this capacity, he coordinates the functions of the other members of the Government (Constitution, art. 78).

41. Legislative authority is exercised by a single body known as the National Assembly, whose members have the title of deputy. They are elected for a five-year term and may be re-elected (Constitution, art. 52).

42. On the question of relations between the Government and the National Assembly, provision is made for a procedure whereby the Government may be challenged before the National Assembly through a vote of confidence (Constitution, art. 97) or a censure motion (art. 98).

43. The Judiciary is independent of the Legislature and the Executive, and is the subject of title VIII of the Constitution. The new 1992 Constitution includes the following distinctive features: establishment of political pluralism (Constitution, arts. 6-9), guarantees for the protection and promotion of human rights. Considerable attention is devoted to political and trade-union freedoms and human rights (Constitution, arts. 10-50).

44. The new Constitution has introduced innumerable innovations, including the establishment of the Constitutional Court, the Audit Office, the Supreme Authority for Broadcasting and Communications, the Economic and Social Council, the High Court of Justice and the constitutionalization of the National Human Rights Commission. The setting-up of these institutions will require considerable financing.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED IN TOGO

45. The need to protect human rights is stressed in the relevant legislation. Through the establishment of the National Human Rights Commission (CNDH), efforts are being made to guarantee the rights and freedoms of citizens.

A. The public institutions responsible for human rights

46. Given that the Constitutional Act confers independence on it, Togolese justice will act as guardian of rights and freedoms. But the institutions which in recent years have played an important part in the protection and defence of human rights have been the CNDH and the Ministry of Human Rights.

The National Human Rights Commission (CNDH)

47. At the initiative of the President of the Republic, the CNDH was established on 9 June 1987 by Act No. 87-09 of 9 June 1987. It is a civil-law institution, with the following essential objectives:

(a) To protect the rights of citizens;

(b) To consider and recommend to the authorities any bills concerning human rights with a view to their adoption;

(c) To organize seminars and symposia on human rights;

(d) To express opinions on human rights issues.

48. As to remedies, any individual who considers that one of his rights, particularly a civil or political right, has been violated or that he has suffered as a result of an act or an omission by the Government may submit a petition to the Commission. The petition may be submitted by a third party or by a non-governmental organization.

49. The CNDH is forbidden to intervene in a judicial proceeding, except in the event of a miscarriage of justice.

50. The petitioner does not have an obligation to exhaust internal remedies; he may choose to bring the matter first before the Commission, which acts solely as a mediator since its decisions are not accompanied by a writ of enforcement. Whenever a matter is brought before it, the CNDH undertakes investigations and on-site inquiries, and contacts the authorities concerned. Thus, within three days of receiving a petition, the Executive Committee of the Commission, which is composed of five members, must meet to consider the petition and, if it is admissible, to appoint a member of the Commission as special rapporteur to conduct an inquiry. The special rapporteur must be allowed access to any reports, records and other documents and to any objects and premises connected with the inquiry.

51. During its first two mandates from 1987 to 1989, the CNDH was frequently called upon to take action. It produced two reports justifying its action.

52. The number of petitions has increased over the past three years because of the social and political troubles, which have prevented the CNDH from functioning or producing further reports.

53. In line with its adherence to the principles of human rights, the Government has established the Ministry of Human Rights in order to reinforce the activities of the CNDH.

The Ministry of Human Rights

54. The Ministry of Human Rights, which was established following the reorganization of the Togolese Government in January 1992, has been given responsibility for implementing the Government's human rights policy and coordinating initiatives in this area. The Ministry's efforts are aimed at promoting human rights and instructing the Togolese people in their rights and duties. In this connection, the Ministry has organized lectures/discussions on various subjects relating to human rights and democracy, in Lomé and in the interior. At the international level, the Ministry has participated in various seminars, symposia and workshops.

55. The Ministry of Human Rights has received a number of petitions relating to the protection of human rights. Many of these cases fall within the competence of the courts or other ministries. The Ministry of Human Rights also has the essential task of ensuring improved follow-up and effective implementation, in domestic legislation, of the provisions of the international human rights instruments ratified by Togo. In this context, and in conjunction with the other competent ministries, it undertakes the preparation of the reports to be sent to the OAU's Commission on Human and Peoples' Rights, in accordance with article 62 of the African Charter on Human and Peoples' Rights, and to the United Nations Human Rights Committee, in accordance with the provisions of article 40 of the International Covenant on Civil and Political Rights.

56. By examining the various provisions enacted at the national level, the Ministry of Human Rights will be able to determine national practices with regard to human rights and make proposals for improving them by updating them and adopting new legislation consistent with international standards.

B. The situation of human rights in Togo

57. Ever-increasing importance is attached to human rights questions in Togo. They are given pride of place in fundamental legislation and are to be disseminated and publicized more widely among the public.

58. The period of democratic transition has given rise to substantial social and political tension, which has been reflected in inter-ethnic disturbances and numerous breaches of law and order. Public and private property has been regularly attacked by demonstrators: houses have been destroyed, blown up and ransacked and damage has been considerable. There has been incitement to tribal hatred, which has led to people taking the law into their own hands in the towns, villages and neighbourhoods.

59. The situation has deteriorated throughout the democratic process, and the police and security forces have been hard put to it to perform their duties effectively. In these circumstances, the authorities responsible for maintaining law and order and the judicial authorities have also had great difficulty in discharging their responsibilities. It therefore appeared advisable that the various parties to the democratic process should find solutions to the political crisis in Togo.

60. A joint commission was accordingly set up on 28 July 1992 comprising a delegation sympathetic to the President and an opposition delegation represented by eight political parties. The work of this joint commission centred on divergencies relating to the organization of elections, amendment of the various provisions relating thereto (Electoral Code and draft Constitution) and, above all, the essential question of the extension of the period of transition which, in accordance with article 66 of Act No. 7, was due to end after 12 months, in other words, on 28 August 1992. The various parties concerned agreed on an extension of the transition period to 31 December 1992 conditional upon the setting-up of the transition organs. A legal context had to be found for that purpose.

61. Draft legislation was accordingly submitted to the HCR for adoption by the joint commission. This legislation included:

(a) Act No. 92-001/PR of 27 August 1992 amending Act No. 7 of the Sovereign National Conference of 23 August 1991, the constitutional act organizing the various powers during the transition period;

(b) Act No. 92-2/PR of 27 August 1992 amending the draft Constitution annexed to Act No. 4 of 20 July 1992 organizing the constitutional referendum;

(c) Act No. 92-3/PR of 27 August 1992 maintaining the composition of the High Council of the Republic; and

(d) Act No. 92-4/PR of 27 August 1992 providing that the Prime Minister should remain in office.

62. Following this political readjustment, the President of the Republic regained most of his powers, notably chairmanship of the Council of Ministers, depending on the importance of the agenda.

63. In its conclusions, the joint commission stated that its's aims were mainly to place the conduct of Togolese politics on a footing of consensus between the Head of State and the Prime Minister. Despite the joint commission's efforts, however, it did not prove possible to hold the elections within the new time-limit.

64. After the extension of the transition and the formation of the new Government, tension remained high and gave rise to a general strike and clashes between followers of different movements. In order to remedy this situation, a crisis Government was formed, headed by the Prime Minister, who was redesignated by decree of the President of the Republic. This Government is called upon to function on the basis of a minimum seven-point political programme, whose main aim is to restore security with a view to the successful conclusion of the democratic transition.

C. Incorporation of international human rights provisions in the internal order and remedies

Incorporation in the internal order

65. The new legislation enacted since democratic liberalization is in line with the international provisions on human rights, which figure prominently in that legislation.

66. The preamble to the Togolese Constitution stipulates that the Togolese State is committed to the protection of human rights as defined by the 1945 Charter of the United Nations, the 1948 Universal Declaration of Human Rights, the 1966 International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the 1981 African Charter of Human and Peoples' Rights. Title I of the Constitution is, in fact, exclusively devoted to rights and freedoms.

67. The Electoral Code (Act No. 92-3 of 8 July 1992) contains provisions governing the organization of election campaigns and voting procedures. The Charter of the Political Parties organizes political competition between the various political parties, whose functioning is admitted in the new pluralist political context. Freedom of the press is ensured by Act No. 90-25 of 30 November 1990. Similarly, associations engage freely in their activities. All these public freedoms are, however, reflected in other legal instruments (Penal Code, Code of Criminal Procedure, Togolese Family Code, Nationality Code, etc.).

68. The provisions of the international human rights instruments are in fact incorporated in the Togolese Constitution and may thus be invoked before the Togolese courts.

Remedies

69. On the question of remedies, any individual who considers that his human rights have been violated may approach the private institutions for the defence of human rights, human rights associations and leagues, the CNDH or the courts.

70. The first two types of institution simply play a mediatory role. Only the courts are able, when the violations have been proved, to restore the victims' rights. In addition, since Togo is a party to the Optional Protocol, private individuals are able to submit communications to the Human Rights Committee.

The competent authorities in the area of human rights

71. The authorities competent to deal with cases of human rights violations are the members of the CNDH, officials of the Ministry of Human Rights, and the judicial and administrative authorities.

INFORMATION AND PUBLICITY

72. Ever since its establishment, the CNDH has periodically conducted nationwide human rights awareness and education campaigns. It also organizes training seminars and symposia. The leagues and associations organize similar activities, as does the Ministry of Human Rights.

73. During recent years, there has been a significant increase in the publicity given to the provisions of the Universal Declaration of Human Rights through educational television programmes. The establishment of the Directorate for Promotion within the Ministry of Human Rights represented a further step in this direction.

74. With a view to the effective implementation of all provisions relating to human rights, further efforts must be made in the areas of public awareness and education. Similarly, the teaching of human rights, which is provided for in the Togolese education system but not yet fully practised, must be put into effect. The fact that periodic reports are required by various United Nations bodies means that the Government should pay particular attention to this question. All these initiatives necessitate human and financial investments. The assistance of the United Nations agencies is essential if these objectives are to be attained.

UNITED
NATIONS

HRI

International
Human Rights
Instruments

Distr.
GENERAL

HRI/CORE/1/Add.39
7 February 1994

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORT OF STATES PARTIES

SURINAME

[17 November 1993]

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I. LAND AND PEOPLE

A. Land and people

1. Suriname is situated on the north-eastern coast of South America between 2° and 6° N. latitude and 54° and 49° W. longitude. The country is bordered by Guyana to the west, French Guiana to the east and Brazil to the south. The capital is Paramaribo. The total land area amounts to approximately 165,000 km^2, 85 per cent of which is covered by tropical rainforest.

B. History

2. Suriname was, as far back as from 1667, a Dutch colony with a plantation economy, using cheap labourers from Africa, East India and Java (Indonesia). The descendants of these immigrants now compose the majority of the population.

3. In 1954 Suriname was granted internal autonomy, and became fully independent from the Netherlands in November 1975. Before and after independence, coalitions of ethnic political parties took turns in governing. In February 1980 a military coup d'état replaced the civilian government. After seven years of rule, a coalition of the three major ethnic political parties won the general elections in November 1987 and took power. From December 1990 to September 1992, after an unarmed military coup d'état, a military regime was again in power, which organized elections that were won by the same coalition of political parties as in 1987, expanded with the Workers' Party, which had originated from the trade union movement. This coalition has been in power since September 1991.

C. Demography; socio-ethnic composition of the population

4. With respect to the demographic importance of the various population groups in Suriname, it may be stated that no statistical data are available. In this regard reference can be made to the table.

Total population and population per district* 1980, 1985 to 1988

Area District	Km^2	%	Population 1980		Population 1985		Population 1986		Population 1987		Population 1988	
	(Total area)		Total	%	Total	%	Total	%	Total	%	Total	%
Paramaribo	183	0.1	168 628	47.9	185 387	47.9	190 083	47.9	193 977	47.7	195 029	47.7
Wanica	442	0.3	60 199	17.1	66 182	17.1	87 859	17.1	69 249	17.1	69 916	17.1
Saramacca	3 636	2.2	10 561	3.0	11 611	3.0	11 905	3.0	12 149	3.0	12 266	3.0
Coronie	3 902	2.4	2 816	0.8	3 096	0.8	3 175	0.8	3 239	0.8	3 270	0.8
Nickerie	5 353	3.3	32 388	9.2	35 607	9.2	36 509	9.2	31 257	9.2	37 615	9.2
Commewijne	2 353	1.4	20 066	5.7	22 061	5.7	22 620	5.7	23 083	5.7	23 306	5.7
Marowijne	4 627	2.8	15 842	4.5	17 416	4.5	17 859	4.5	18 223	4.5	18 806	4.5
Para	5 393	3.3	11 969	3.4	13 159	3.4	13 492	3.4	13 769	3.4	13 901	3.4
Brokopondo	7 364	4.5	6 689	1.9	7 354	1.9	7 540	1.9	7 694	1.9	7 768	1.9
Sipaliwini	30 567	79.7	22 883	6.5	25 157	6.5	25 794	6.5	26 322	6.5	26 985	6.5
Suriname TOTAL	163 820	100	352 041	100	387 030	100	396 835	100	404 962	100	408 864	100

* The district borders were changed in 1985; due to the changed borders of the districts, the data for 1980 have been calculated.

Source: Demographic Data for Suriname (1988).

5. In this regard the following can be observed:

(a) The total population is unevenly spread over the national territory;

(b) A larger proportion of the population is living in the narrow coastal area of approximately 50 km^2;

(c) Sixty-five per cent of the population (Paramaribo and Wanica) lives on approximately 0.5 per cent of the national territory;

(d) Only 7 per cent of the population (Sipaliwini) lives on 80 per cent of the territory.

6. The population was estimated at 404,301* in 1991. According to 1989 figures, the largest groups of the population are people originating from India (Indians, 37 per cent), mixed people of African origin (Creoles, 31 per cent), from Indonesian origin (Javanese, 14 per cent), descendants from runaway slaves (Bushnegroes, 9 per cent). The original inhabitants, the indigenous Amerindians, comprise 3 per cent of the present population, while other small groups are of Chinese (3 per cent), European, Lebanese and other origin (3 per cent).

7. Some 150,000 Surinamese migrated to the Netherlands in 1975, prior to Independence Day. Since 1975, migration has continued at a slower place and has expanded to other countries, like the United States and the Netherlands Antilles.

D. Economy

8. Until the Second World War, Suriname was a plantation economy. Since the war, the mainstay of the economy has been the production of bauxite. Exports of bauxite, alumina and aluminium have accounted for 70 to 80 per cent of the country's total export and for the bulk of government revenue through a system of export levies and other taxes.

9. Both in the period of internal autonomy (1954-1975) and in the first part of its independence, development activities were also financed by development aid from the Netherlands. In 1983 this flow of development aid was suspended for political reasons. About 40 per cent of this aid is still available today disbursal of which requires both Surinamese and Dutch approval.

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* All figures concerning demography are taken from the census held in 1980. The figures are updated by the General Bureau for Statistics ("ABS").

10. The economy of Suriname is rapidly declining, which is being underlined by the following:

(a) Deficits on the order of 15 per cent of GDP, which are financed by monetary expansion;

(b) The growing imbalance between government revenue and expenditure;

(c) The large volume of the civil service;

(d) The poor performance of most public and parastatal enterprises;

(e) Increasing unemployment.

(f) Rising official consumer price index;

(g) Migration of professionals;

11. In 1993 the Government decided to carry out a structural adjustment programme, based on studies of the consulting firm of Coopers and Lybrand and the Warwick Research Institute.

E. Main characteristics of the country's institutions

12. According to article 52 of the Constitution, Suriname is a political democracy. This article reads as follows: "All political power is vested in the people and shall be exercised in accordance with the Constitution". To accomplish this there is a National Assembly, which is the highest organ of State (art. 55, sect. 2). Members of this Assembly are chosen by the people through general, free and secret elections for a five-year term. The National Assembly has the following powers at its disposal:

(a) The power to decide over all bills submitted to it for approval;

(b) The power to decide by a two-thirds majority on organizing a People's Assembly or a plebescite in the cases provided for by law, or if the National Assembly deems it necessary to do so;

(c) The National Assembly lays down its Rules of Order; these Rules of Order shall be promulgated by a decision of State (art. 71, sects. 1, 2 and 3).

13. The legislative power is exercised jointly by the National Assembly and the Government. The Government, headed by a President, has executive power, which is divided over 16 departments, each headed by a Minister.

14. The judicial power is formed by the President and the Vice-President of the High Court of Justice, the members and the surrogate members of the High Court of Justice, the Attorney-General with the High Court of Justice, and the other members of the Public Prosecutor's Office, and of other judicial functionaries indicated by law (art. 133, sect. 1).

II. Social-economic and cultural indicators

A. Gross domestic product

15. The 1990 GDP was, according to official data (source: the UNDP/ILO report "Suriname: The Challenges to Meet the Social Debt"), Sf. 2,640 million, which is Sf. 6,400 on a per capita basis. According to the official exchange rate of 1990 (US$ 1 = Sf. 1.80), the per capita GDP would be the equivalent of US$ 3,550. When parameters like purchasing power, price developments and traditional trade ratios are taken into account, a more realistic 1990 per capita GDP would be US$ 915 to US$ 1,070 (exchange rate US$ 1 = Sf. 8). In July 1993 the authorities lifted almost all restrictions on a free exchange rate. With these actions the authorities wanted to legalize the parallel exchange market. The regular banks, which were still bound by the old official exchange rate (US$ 1 to Sf. 1.80), got involved in this procedure as well. These actions lifted the exchange rate to a height of US$ 1 = Sf. 60). As a consequence, a further decrease of the per capita GDP was noted.

16. The following table shows GDP for 1988-1990 (the latest figures available, in millions of Suriname guilders:

Year	1988	1989	1990
GDP	2 321.2	2 504.9	2 640.0

Source: Central Bank of Suriname 1993.

B. Inflation and recession

17. Between 1980 and 1985, Suriname was affected by a declining world market demand for bauxite, which caused a reduction of 31 per cent of the bauxite sector export earnings.

The falling terms of trade resulted in a decline of 35 per cent of the main export earnings, causing a reduction of 7.3 per cent of GDP per capita between 1980 and 1983.

Internal activity adjusted in response to the severe external constraints (reduction in the import/GDP coefficient; diminishing of internal consumption). This resulted in a sharp decline of Government revenue. The budget deficit reached an unprecedented height of 12.9 per cent of GDP in 1983, as compared with a deficit of 5.1 per cent in 1982, as a consequence of both the suspension of Dutch development aid in 1983 and the falling income from the bauxite sector. In 1988 the budget deficit reached 21.3 per cent of GDP; in 1989 this percentage was 14.8 per cent.

18. The increasing government deficit was financed by monetary expansion. As a result, the levels of inflation dropped from 7.3 per cent in 1982 to 4.4 per cent in 1983 and 3.7 per cent in 1984. Between 1985 and 1987 GDP per capita dropped by 12 per cent. Recession went together with inflation.

Consumer prices increased by 11 per cent in 1986, 19 per cent in 1986 and 53 per cent in 1987. Real wages decreased by 40 per cent.

19. The situation of inflation and the external in Suriname since 1985 and 1988 respectively are reflected in the following tables:

Inflation

Description	1985	1986	1987	1988	1989	1990	1991	1992*
Primary liquidity mass (million Sf.)	880	1 230	1 562	1 945	2 164	2 251	2 886.1	3 221.1
% inflation (ABS)	10.9	18.7	53.4	7.2	0.8	21.7	26.0	43.6
Parallel exchange rate (Nf.1 in Sf.)	2.00	3.10	5.55	4.95	6.33	8.99	9.69	13.96
% inflation (according to the parallel exchange rate)	33	55	79	-11	28	42	8	44.1

* Tentative data.

External debt (million Sf.)

	1988	1989	1990	1991	1992
External debt	161.5	193.0	267.8	326.4	333.3

Source: Central Bank of Suriname 1993.

C. Employment and unemployment

20. Between 1980 and 1983, there was an increase of 3.5 per cent in the demand for labour in the formal sector. This trend was reversed with a decline between 1983 and 1987, causing a decrease of 8.6 per cent of the number of formal jobs.

21. Between 1980 and 1987, there was a significant shift in the composition of employment. The first was a qualitative shift from the productive sector to the service sector. The share of the productive sector dropped from 40 to 30 per cent, while the increase in the share of the service sector was fully absorbed by the Government. The second shift was one from government agencies and State-owned enterprises to private enterprises. While the former increased its share of employment from 39 to 50 per cent between 1983 and 1987, the number of jobs offered by the private sector showed a decline of 16 per cent in the same period.

22. Unemployment rose from 15 per cent in 1980 to 26 per cent in 1990. Especially in the last few years the situation has worsened, showing a total of 43 per cent for the people actively looking for a job and 58 per cent for female job-seekers between 1987 and 1989. Youth unemployment rose from 29 to 32 per cent between 1986 tn 1987. The increase of female unemployment was from 20 to 26 per cent in the same period. (Source: the UNDP/ILO report).

D. Literacy

23. According to the 1980 census, the literacy rate is as follows:

Male	90.0%
Female	89.5%
Total population	90.8%

Source: Central Bureau for Statistics ("ABS") 1980.

E. Religion

24. The main religions in Suriname are: Christian religion (mainly Roman Catholics and Moravians), 23 per cent; Protestants, 19 per cent; Hindu, 27 per cent; Muslim, 20 per cent; Others, 11 per cent.

F. Population by mother tongue

25. The official language is Dutch (spoken by 79 per cent of the population), Sranan Tongo is the lingua franca of Suriname. Other languages spoken are: Hindi (33 per cent), Javanese (13 per cent) and Chinese; the Amerindians and Bushnegroes have their own languages. Of the foreign languages, English is most widely spoken.

G. Life expectancy

26. The life expectancy for males is 62.3 years and for females 70.2 years. (Source: Central Bureau for Statistics ("ABS") 1980).

H. Infant and maternal mortality

27. The following table shows infant deaths by sex, 1988-1991:

Sex	1988	1989	1990	1991
Total	186	208	208	175
Female	62	91	88	80
Male	120	117	120	95
Unknown	4			

Source: Bureau of Public Health, 1991.

28. Though the mortality rate is only 7 per 1,000, cases of malnourishment, which a decade ago were rare in Suriname, have become more frequent. Of the undernourished children hospitalized in 1987 and 1988, 50 per cent came from Amerindian and Bushnegro refugees.

29. The maternal mortality rate in 1991 was 21 per 10,000 live births (Source: Bureau of Public Health, 1991).

I. Fertility

30. The following table shows the number of live births by age of mother:

(absolute figures)

Age-group mother	1988	1989	1990	1991
10 - 14	57	57	59	216
15 - 19	1 443	1 696	1 581	1 337
20 - 24	3 229	3 410	3 162	3 190
25 - 29	2 501	2 972	2 776	2 498
30 - 34	1 169	1 427	1 357	1 310
35 - 39	429	520	487	450
40 - 44	123	115	110	90
45 - 49	15	17	13	13
unknown	128	-	-	-
Total	9 094	10 214	9 545	9 104

Source: Central Bureau for Statistics ("ABS"), 1991.

J. Population distribution

31. The following table shows the population distribution by age:

Age	% of population (male)	% of population (female)
70+	1.3	1.6
60-69	1.7	1.7
50-59	3.0	3.0
40-49	4.0	4.4
30-39	4.6	5.1
20-29	8.0	8.3
10-19	13.9	13.7
0-9	13.0	12.7

Source: UNDP/ILO report.

32. There is no information available concerning the percentage of people in rural areas.

K. Households headed by women

33. In general, 25 per cent of working women head a household. This number is increasing as a result of the crisis, especially in the rural areas where men have shown a tendency to migrate to the city in order to seek employment, on the one hand, and as a consequence of the internal war on the other hand. A recent survey (1992) found that 54 per cent of families in three rural districts are headed by women; it even found that the rural areas at present hold more female-headed households than urban areas.

L. Marriage and divorce

34. The following table shows the number of marriages by kind (civil or religious):

Kind of marriage	1989	1990	1991
Civil	731	710	746
Hindu	979	794	783
Muslim	478	386	445
TOTAL	2 179	1 890	1 974

35. The following table shows the number of divorces or annulments, by age and sex:

Age	1989				1990				1991			
	Divorces		Annulments		Divorces		Annulments		Divorces		Annulments	
	M	F	M	F	M	F	M	F	M	F	M	F
13-14	-	-	-	-	-	1	-	-	-	-	-	-
15-19	1	21	1	14	4	24	-	14	1	22	1	8
20-24	44	94	25	45	47	153	31	51	71	178	18	49
25-29	136	140	39	41	236	226	53	53	210	224	50	51
30-34	121	108	29	23	180	168	44	32	233	236	55	35
35-39	83	63	25	9	146	116	23	15	185	142	21	15
40-44	57	43	10	6	75	54	10	4	126	105	12	14
45-49	27	25	7	1	54	28	6	3	80	48	10	6
50-54	20	17	4	-	25	11	2	2	49	32	9	2
55-59	13	4	3	6	15	10	4	2	22	14	4	1
60-64	11	3	1	-	5	1	3	-	25	6	2	1
65-69	3	-	1	-	1	-	-	-	3	4	1	1
70-74	1	1	-	-	3	-	-	-	5	-	-	-
75-79	1	-	-	-	1	-	-	-	-	-	-	-
80-84	2	1	-	-	-	-	-	-	1	-	-	-
85 +	-	-	-	-	-	-	-	-	-	-	-	-
UNKNOWN	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	520	520	145	145	792	792	176	176	1011	1011	183	183

Source: Central Civil Registry Bureau.

III. INSURRECTIONAL MOVEMENTS IN SURINAME

36. In 1986 a group of armed Bushnegroes, who lived near the border with French Guiana in the eastern part of the country, formed the so-called "Jungle Commando" in rebellion against the then existing military regime. Consequences of the fights were that the bauxite and palm oil industries were paralysed and there was a massive displacement of Bushnegroes and Amerindians who fled to French Guiana (about 7,000-10,000 people) and to Paramaribo (about 8,000-10,000).

37. After 1989 three other illegally armed groups were formed in the interior, namely the "Tucayana", the "Angula movement for liberation", the "Mandelas" and the "Koffiemaka". In July 1992, with the establishment of a commission for the advancement of the peace process, a committee was established to act as an intermediary between the Surinamese Government and the illegally armed groups and the negotiations started.

38. These peace negotiations were based on a 14-point agenda, including the following:

(a) Reconstruction and development of the interior;

(b) Restoration of normalcy in the interior;

(c) Representation of the inhabitants of the interior;

(d) Promotion of the spiritual well-being of the inhabitants of the interior;

(e) Land rights;

(f) Restoration of medical and educational facilities;

(g) Water supply and energy.

39. In 1992, a Peace Accord was signed between the civilian Government and all resistance groups of the interior, settling the destruction of weapons, the restoration of the autonomy of the tribal societies, and plans for the socio-economic development of the interior. The Organization of American States (OAS) played an important role in the verification of compliance with this peace agreement. A Peace Committee was installed, which operated as an intermediary between the civilian Government and the former resistance movement.

IV. GENERAL POLITICAL STRUCTURE AT PRESENT

A. Political history of Suriname

40. In 1651, Suriname was a colony of the British. In 1667 the Dutch took possession of the colony. For the development of the plantation-based production system, labourers were brought in by the Dutch from different parts of the world: slaves from Africa, and indentured labourers from the British and Dutch East Indies from 1873 on. The Dutch furthermore encouraged the immigration of Chinese, Portuguese and Lebanese workers.

41. Since the Second World War, the economy of Suriname has been largely based on the production of bauxite, carried out by two multinationals, Alcoa and Shell/Billiton.

42. In 1954, Suriname became a self-governing territory of the Kingdom of the Netherlands. After 20 years of internal autonomy it became a fully independent republic on 25 November 1975. At its independence, a Treaty on Development Cooperation was signed with the Kingdom of the Netherlands, by which the Government of the Netherlands allocated 3.5 billion Dutch guilders for development aid to Suriname.

43. In the pre- and post-independence period a multi-party system of parliamentary democracy was the prevailing political organization, reflecting the ethnic multiplicity of the country. The three major ethnic political parties dominated the political scene until 25 February 1980, when the ruling coalition was overthrown by a military coup d'état by 16 non-commissioned officers. A period of political instability and economic decline followed, with the fall of bauxite prices on the international market, the suspension of Dutch development aid after the killing of 15 critics of the regime, and activities of an armed Bushnegro resistance movement against the regime.

44. In 1985, a Supreme Political Council ("Topberaad") was established, consisting of representatives of both the regime and the traditional political parties, whose main task was the drafting of a new constitution for Suriname. In September 1987, the new Constitution was approved by referendum. In November of the same year, free elections were organized, which re-established the traditional political parties cooperating in the "Front for Democracy and Development" into government, after a victory by 95 per cent of the votes. The Front comprised the Creole party (NPS), the Indian party (VHP) and the Javanese party (KTPI).

45. A second non-violent military coup d'état took place in December 1990, followed by elections in May 1991. These were again won by the "Nieuw Front", i.e. the Front, expanded with the Workers' Party (SPA), albeit with a smaller majority than in the previous elections.

46. The main opposition parties at present are the National Democratic Party (NDP), which has links with representatives of the regime of 1980-1987, the Democratic Party (DP), a split-off of the NDP, the Democratic Alternative Party '91 (DA'91), a combination of some smaller Creole, Javanese, Indian and independent parties.

B. Organization of the executive, legislative and judicial organs

47. The following paragraphs present an outline of the legal system of the Republic of Suriname.

1. The executive power

48. The sovereign State of Suriname is a Republic. The President of the Republic is chosen by the National Assembly, as is the Vice-President. The President has been attributed strong powers. He is Head of State and Government, paramount commander of the armed forces, and is responsible for foreign relations. The executive power is vested in him and he nominates the Ministers of his Cabinet.

49. According to article 116 of the Constitution, the Government of the Republic is constituted as follows:

1. The President of the Republic;

2. The Vice-President of the Republic;

3. The Council of Ministers.

50. The Vice-President presides over the Council of Ministers ex officio, but he is not a Minister, which means that he is not a member of the Council of Ministers. Article 119 states explicitly that the Council of Ministers is constituted by the Ministers. One of the Ministers can be appointed as Vice-Chairman of the Council of Ministers. In his capacity as Chairman of the Council of Ministers, the Vice-President is accountable to the President of the Republic. Article 119, section 1, explicitly states that the Council of Ministers is the paramount executive and administrative institution of the Government.

51. The President is also accountable to the National Assembly. Article 90 (sect. 2) formulates that the President in his capacity as Head of State and Government (art. 116, sect. 2), Chairman of the State Council and Chairman of the National Security Council, is responsible to the National Assembly (art. 90, sect. 2).

52. The President of the Republic nominates the Ministers. A procedure of consultation should be implemented, while the results of the elections are also taken into account (art. 110, sects. a and e).

53. According to article 74, the National Assembly elects the President and the Vice-President. This article is in concurrence with article 55, which states that "the National Assembly represents the People of the Republic of Suriname and shall express the sovereign will of the nation, and the National Assembly is the highest institution of government.

2. The legislative power

54. Article 70 of the Constitution attributes the legislative powers to the National Assembly, on the one hand, and the government on the other. They are supposed to exercise their powers jointly. The National Assembly shall (art. 71) decide on all bills that are submitted to it for approval. It is within the power of the National Assembly to elect the President as well as the Vice-President (art. 74). This paragraph can be summarized by article 55 of the Constitution which states "The National Assembly is the highest institution of government".

55. Representation of the people takes place on three different levels. The Constitution states (art. 55): "The National Assembly represents the people of the Republic of Suriname and shall express the sovereign will of the nation".

56. The National Assembly consists of 51 members chosen per district on the basis of general, free and secret elections pursuant to the system of proportionate representation by the highest average and preferential votes, for a term of five years. The right to vote (art. 57) is exercised by inhabitants of Suriname, who are nationals of the Republic of Suriname, have reached the age of 18 years and are not deprived of that right by a court order.

57. Persons who have submitted their candidacy for election as representatives to the National Assembly must live in said district and shall have had their main or actual residence there for two years prior to the elections (art. 61).

58. The territory of the Republic has been divided into 10 electoral districts. These districts are subdivided into smaller areas which function as constituencies for the elections of the members of the local representative bodies.

59. The electoral systems effective for the elections are:

(a) For the National Assembly, a proportional representation system by preferential vote;

(b) For the local councils, a majority system (art. 163). The composition of the local councils takes place after general, free and secret elections within the constituency. The order of election of the representatives is determined by the order of personal votes received. All available seats shall be granted. Without prejudice to other legal requirements with regard to eligibility in representative bodies, the candidates for a local council or a district council shall have their main and actual residence in the constituency or district concerned;

(c) For the district councils, a computation system based on the representation of the political parties in the local councils per district (art. 162). The composition of the district council takes place after general, free and secret elections in the different constituencies of the district concerned. The seats on the district council are given to the representative political organizations with seats on the local councils of the district concerned, in proportion with the total number of seats they acquired on the local councils.

60. All meetings of the National Assembly shall be open to the public, except in special cases when it decides to convene behind closed doors (art. 82). The Speaker, the members of the National Assembly, the Government and the experts referred to in article 85, paragraph (2), shall be exempt from criminal prosecution for anything they have said in the Assembly or have submitted to it in writing, except if in so doing they have made public what was said or submitted under obligation of secrecy in a closed meeting (art. 88).

3. The judiciary

61. Justice shall be administered in the Republic of Suriname in the name of the Republic. No act shall be punishable other than by virtue of a previously determined legal rule. Every interference in the investigation or prosecution and in cases pending in court shall be forbidden.

62. These basic rules are laid down in the Constitution. They should be a guarantee for the freedom of citizens, since article 69 of the Constitution decrees that: "The legislator, the Government and the other institutions of government shall adhere to the provisions of the Constitution".

63. In order to facilitate the administration of justice, article 132 of the Constitution decrees that: "Civil and commercial law, civil and military penal law and procedure shall be regulated by law in general codes, without prejudice to the power of the legislature to regulate certain subjects in separate laws".

64. The administration of justice is attributed exclusively to the judiciary. According to article 133, the President and the Vice-President of the Court of Justice, the members and the deputy members of the Court of Justice constitute the judiciary which is charged with the administration of justice. Exceptions to this rule can only be made by law.

65. The Court of Justice is the supreme court. It supervises the regular course and settlement of all lawsuits. This court is also entitled to review the decisions made by the lower courts, called the "Kantongerechten".

66. The independence of the members of the judiciary is explicitly laid down in the Constitution. This is guaranteed by:

(a) Appointment for life, after consultation with the High Court;

(b) Conditions for appointment and financial allowances are established by law;

(c) Discharge only:

(i) At request;

(ii) Upon reaching the age of retirement;

(iii) By the High Court for reasons explicitly given in article 142 of the Constitution.

67. The Constitution decrees that, apart from the High Court and the lower courts, there shall be a Constitutional Court. This court is attributed with the power of verifying laws against the Constitution. Since this power is crucial in the decision-making within the framework of the rule of law, the Constitution states that this power should be regulated by an organic law. This law has not yet been promulgated.

C. The nature of the Constitution

68. The first chapters of the Constitution deal with human rights. Given the extended wording and the classification, it may be stated that special attention was given to human rights in general and their significance and special impact in the constitutional system. An analysis of the chapters shows that the nature of this part of the Constitution is a programmatic one.

69. Implementation, therefore, means answering the following questions:

(a) Who is supposed to implement and who is supposed to refrain from implementing?

(b) Who is supposed to interpret the wording and who is supposed to review the proper interpretation?

(c) Who is supposed to restrict the rights "according to the law", and who is supposed to refrain from any restriction "according to the law"?

70. In classifying the chapter on human rights it may be said that the articles have worded:

(a) The classical or individual human rights based on the principles of natural law;

(b) The social human rights; and

(c) The principles that constitute the institutional framework.

71. Special attention should be given to the sections in chapter VI, where the right to work and the concern of the State for labour have been worded. Attention is not only given to the rights of the workers, but also to the rights of the employers. Chapter II clearly defines that the economic system should be a mixed system of State enterprise and private enterprise closely cooperating together "according to the applicable rules of law". The political order given in chapter IX mentions the political party as a legal phenomenon. Based on the principles laid down in the Constitution, an organic law on political parties has been formulated.

72. Article 23 of the Constitution should be seen as the cornerstone of the legal framework. It states: "In case of war, danger of war, state of siege or state of emergency or for reasons of State security, public order and morality, the rights mentioned in the Constitution may be submitted to limitations by law, which will be in force during a certain time, depending on the circumstances, with due respect for the international rules applicable in that matter.

V. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

73. The judicial authorities which have jurisdiction in respect of human rights are the High Court of Justice, the members or the deputy members of the High Court of Justice, and the other members of the Public Prosecutor's Office, and other judicial officials indicated by law. For example, the decisions of lawsuits not arising from civil law relations may be referred by law to administrative judges.

74. In the Surinamese legal system there is no specific legal provision regarding compensation in cases of human rights violations. Remedies available to persons who claim that their rights have been violated are laid down in the following codes: the Penal Code, the Code of Criminal Procedure, the Civil Code and the Code on Civil Procedure. With regard to the system of compensation and rehabilitation, reference can be made to the general provisions of compensation in case of an unlawful act (Civil Code). If the compensation for victims of human rights violations is considered inadequate, the Government is entitled to make supplementary provisions.

75. Reference is made to chapter VI of the Constitution of the Republic of Suriname. Reference is also made to the relevant provisions of the Surinamese labour legislation, and to the annual reports of Suriname to the Committee of Experts on the Application of ILO Conventions and Recommendations. As concerns the right of secrecy of mail, the recently effectuated Postal Laws supplement the Penal Code.

76. The enjoyment of the freedom of human rights laid down in the Constitution can be limited by the Constitution itself, and in cases where the public order is jeopardized. Individuals are not entitled to impede others in their enjoyment of human rights.

77. Most of the human rights instruments are incorporated in the national legislation, for example three proposals have been prepared regarding the rights of the child and one concerning the elimination of discrimination based on sex.

78. There is a National Institution for Human Rights (the N.I.M.), a semi-governmental body. In addition to the N.I.M. there are several other non-governmental organizations operating in the field of human rights as well.

79. The Suriname Government recognizes the need to fulfil its reporting obligations, based on the importance it attributes to the promotion of and respect for human rights. Thus, the fact that the Government has not been able to present the required reports should not be attributed to a neglect of its responsibilities, but merely to a lack of trained and experienced reporting officers in the country. In order to solve this problem and guarantee continuous reporting, initiatives have been taken by the Government to organize on short term - with external assistance - a training course for reporting officers in the field of human rights.

80. The Government of Suriname ensures that its institutions are in conformity with the International Bill of Human Rights, as individuals and/or groups have the possibility to go to court if they are of the opinion that their rights have been violated. Suriname is also a party to the Optional Protocol to the International Covenant on Civil and Political Rights and, as such, gives individuals whose rights have been violated the opportunity to submit written communication to the Human Rights Committee. A precondition for this submission is that all nationally available domestic possibilities have been exhausted. Within the Organization of American States individuals are also entitled to file complaints to the Inter-American Commission on Human Rights. The Suriname Government is currently in the stage of establishing a Constitutional Court, which will be authorized to deal with human rights cases.

81. In 1992-1993 a remarkable improvement in the human rights situation has been experienced. In this regard, reference can be made to the annual (1992) report of the Inter-American Commission on Human Rights (OAS), namely to the paragraph on Suriname, in which the following is stated: "in terms of the human rights situation in Suriname the Commission has received no complaints of alleged violations since President Venetiaan assumed office".

82. It should be noted that the Suriname Government attaches great importance to the observance of human rights and fundamental freedoms. In this framework, mention should be made that the policy of the Government is directed towards the consolidation of democracy, peace and the reinforcement of the rule of law. In order to guarantee the full enjoyment of human rights and fundamental freedoms, government policies are also directed towards the establishment of a Constitutional Court, whose task will include the protection of human rights.

83. Since the Peace Accord was signed in August 1992 by all parties involved in the armed conflict, there has been no mention of disappearances of persons belonging to any group. The Government is endeavouring to locate the persons who have been reported missing in the period prior to the signing of the Peace Agreement.

84. Much to its regret, the Suriname Government has been facing a prison-overcrowding problem for several years. A sound implementation of initiatives taken in this regard has been impeded by the lack of necessary funding. The recently (1992) concluded "Umbrella Agreement" signed in the framework of a bilateral treaty with the Government of the Netherlands, opened new opportunities for an effective approach to this problem, as funds and technical assistance will be provided to the competent authorities.

85. Legally, discrimination is prohibited in Suriname; ethnicity does remain strong among all groups, although this does not explicitly affect the nationals of Guyana. The Constitution of the Republic of Suriname, namely article 8 (sects. 1 and 2), provides for the basic individual rights and freedoms of individuals. This article reads as follows:

> "All who are within the territory of Suriname shall have an equal claim to protection of person and property."

"No one may be discriminated against on the grounds of birth, sex, race, language, religion, origin, education, political beliefs, economic position or any other status."

86. With regard to the freedom of movement, it can be stated that Surinamese citizens and other residents may choose their residence and workplace freely, and may travel abroad as they wish. Surinamese may also emigrate without State interference and may return to take up residence at any time. Citizenship is not refused for political reasons.

87. With regard to discrimination against women, reference can be made to article 18 (sections 1 and 2) of the Constitution. Women have a legal right to equal access to education, employment and property. In practice, however, traditional pressures and customs do affect the full exercise of these rights, especially in the economic and social fields.

88. Women account for slightly more than half of the Surinamese population (51 per cent). Boys and girls enjoy equal rights and equal opportunities for education, training and vocational guidance. All schools and training institutions are co-educational. Women account for 43 per cent of total enrolment in university. The low participation of girls (5 per cent) in technical education and their high percentage of participation in the teachers' and nurses' training institutions, as well as in domestic science schools, shows that there are still traditional prejudices against girl students choosing technical professions.

89. As stated above, equality between men and women in the field of employment is guaranteed by the Constitution. The participation of women in the economic sector has increased during the last few years. Between 1986 and 1990 their share in the labour market rose from 32 per cent to 39 per cent. Working women are concentrated in such occupational categories as teaching, service-rendering, crafts, manufacturing and related subsectors which hold elements of the traditional role of women, while they are less represented in the primary sectors of the economy. In order to increase the participation of women in the country's development, especially in the non-traditional social and economic sectors, the Government, through the Ministry of Internal Affairs, is implementing a special programme which involves, among other things, the operation of a National Women's Bureau (since 1983) and an Inter-Ministerial Committee on the Advancement of Women (since 1992), and support to non-governmental women's organizations.

90. Many Bushnegro and Amerindian groups have repeatedly claimed that they are subject to various kinds of discrimination as compared to individuals and groups of the population living in the coastal area. The recently signed Peace Accord between the Government and five insurrectional Bushnegro and Amerindian groups (1992) is considered by both parties as a sound basis to incorporate these groups of the population into the mainstream of development.

VI. INFORMATION AND PUBLICITY

91. No special efforts have been made to promote awareness among the public to disseminate the text of the Convention or to translate it in all languages of the country. However, most government authorities and NGOs are aware of the rights contained in the International Covenant on Economic, Social and Cultural Rights.

92. Human rights teaching in school has not been incorporated so far in the curriculum. Recently an initiative has been taken by the Ministry of Education - in collaboration with a human rights NGO, the Dutch Government and UNESCO - to start human rights teaching in primary and junior secondary schools.